

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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TEAM AIR EXPRESS, INC.,

Plaintiff,

- against -

A. HEFFCO TECHNOLOGIES, INC.

Defendant.
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ORDER

06 CV 2742 (NG) (CLP)

GERSHON, United States District Judge:

On March 4, 2008, the court adopted the Report and Recommendation (“R&R”) issued by Magistrate Judge Pollak, recommending entry of default against defendant A. Heffco Technologies, Inc. (“A. Heffco”) and granting plaintiff Team Air Express, Inc.’s motion to strike the answer and counterclaim. The court also referred the case back to Judge Pollak to conduct an inquest as to the amount of damages to be awarded.

On August 6, 2008, Judge Pollak issued a R&R as to the damages but provided plaintiff additional time to supplement its submissions regarding an award of interest on damages. On September 3, 2008, Judge Pollak issued a Supplemental R&R as to interest on damages. Defendant did not object to either R&R, and the court adopts both R&Rs on damages in their entirety.

Plaintiffs’ motion for default judgment against defendant is granted, but plaintiff’s motion to amend the complaint is denied as futile. The Clerk of Court is hereby directed to enter judgment for plaintiff against defendant A. Heffco in the total amount of \$108,918.74, which is comprised of \$119,662.99 in principal and prejudgment interest, pursuant to clause 16 of the Conditions of Contract, for the period between May 4, 2006 and April 21, 2008, the date of the

inquest hearing, less the \$10,744.25 held in escrow. Plaintiff is also awarded \$23,915.53 in fees and costs, plus an award of prejudgment interest of 1.5% on the unpaid principal of \$85,459.43, in accordance with clause 16 of the Conditions of Contract, for the period from April 21, 2008, the date of the inquest hearing, until the date judgment is entered by the Clerk of Court.

SO ORDERED.

A handwritten signature in cursive script, appearing to read "Nina Gershon", is written over a horizontal line.

NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
October 24, 2008